



Brisbane Central Business District Bicycle User Group

CBD BUG

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Mr Scott Emerson MP
Shadow Minister for Transport
1/49 Station Road
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Dear Mr Emerson

Thank you for meeting with representatives of the Brisbane Central Business Bicycle User Group at Parliament House on Tuesday 13 September 2011.

This letter is a follow-up to that meeting, to detail the policies the CBD BUG sees as essential for addressing Queensland's very low levels of cycling.

With 84.9% of Queenslanders using private motor vehicles as their main form of transport for their usual trip to work or full-time study (ABS 2009), this state is one of the most car dependent communities in the developed world. Therefore, it is not surprising that SEQ residents are confronted with chronic traffic congestion. The same data also shows cycling is used for these types of trips by only 1.4% of people. Sadly, this massive imbalance in the urban transport system has arisen despite at a statewide level 40% of these trips being less than 10 km, a distance easily covered by bike.

The imbalance in Queensland's transport expenditure towards the private motor car has meant the community has been failed by successive governments. We are not being provided with a choice other than to drive our cars for many trips that should otherwise be easy to make via cycling, walking or public transport.

Increasing the levels of cycling while reducing use of private motor vehicles for personal transport would also address a raft of other pressing issues currently confronting this community, such as reducing demand on Queensland's public health system, alleviating pollution levels and assisting households with the rising cost of living.

Reprioritisation of transport investment priorities

Since the mid-1960's successive Queensland Governments have focused on the private motor car as the principle form of personal transport, while ignoring the major role cycling can play in enabling personal mobility. This policy approach has seen this state's transport infrastructure investment heavily skewed towards roads and motorways, while bikeways and bike paths have until only recently been all but neglected.

Contemporary best practice urban transport planning mandates that active and public transport modes should be prioritised ahead of the private motor vehicle. Accordingly, to improve Queensland's urban transport system the Queensland Government needs to adopt this approach and give priority to cycling (along with walking, public transport and other sustainable transport modes) ahead of the private motor vehicle.

The *Cycle Network Program* was established in 2006 as a Queensland Government program specifically funding the development of cycling facilities throughout south east Queensland. The current financial commitment made through this program is \$600 million (in the South East Queensland Infrastructure Plan and Program 2010-2031) to develop a regional cycle network in south east Queensland. However, at this current rate of investment it will take in the order of 20 years to complete the planned network – a ludicrously long and patently excessive timeframe given the current transport and other problems that would be tackled by increasing the number of people cycling.

To address the imbalance in Queensland's transport expenditure and to accelerate building of the much needed and long overdue cycling network the Queensland Government needs to increase its specific investment in cycling infrastructure via the *Cycle Network Program* to at least 2% of the total Queensland Department of Transport and Main Roads (TMR) total annual budget. In 2011-12 this would have amounted to \$110.8 million.

Pro-active retrofitting of cycling infrastructure

The damning findings in the recent State Coroner's report on the tragic and preventable death of Dr Hossam El-Shazly highlight some of the numerous defects in Queensland's urban road transport system. He was killed as he cycled north of Cairns on 17 January 2009, run over while being overtaken by a tip truck towing a trailer.

One of the defects with current planning is that the installation of new cycling infrastructure is invariably predicated either on road upgrades benefiting motorists, or in response to fatalities. At best this approach can be described as reactive. But more importantly, it will ensure the status quo will be continued for possibly decades to come, with private motor vehicles remaining as the primary mode of personal transport for the overwhelming proportion of local trips.

This approach was identified by the Coroner. They described this approach as both unsatisfactory and vague, and recommended that "DMR needs to develop a truly proactive program for assessing the difference in risk of harm to cyclists between the 'as constructed' state of infrastructure and the most recently published standards".

The CBD BUG strongly supports a policy change adopting a more proactive approach to dealing with cycling safety and connectivity issues, as strongly recommended by the coroner's report into the death of Dr El-Shazly.

Applying cost-benefit analysis to road projects

The CBD BUG is very supportive in principle of your proposal to require that road projects include a more thorough and quantitative assessment of the expected impacts on active transport.

Such an approach could help to address widespread community concerns that motoring and cycling benefits and impacts are often measured differently, with anticipated future motoring demands being used to justify new road projects, while lower current cycling numbers are used to justify little or no provision for cycling. This ignores targets and potential future usage, and perpetuates and exacerbates the differences in levels of service provided to each mode.

It should be noted that no active transport target in any of the many plans published by the Queensland Government or Brisbane City Council over the past 20 years has been achieved; indeed, most targeted key performance indicators have actually moved in the opposite direction to that required by the target (falls rather than rises in active transport shares for example). That the

same can be said for all states is no comfort. Sadly, the current *Connecting Queensland* draft is anticipated to be no exception as it is full of targets but empty of resources, projects or plans that could enable targets to be achieved.

It should not surprise you that typical cost-benefit ratios for active transport initiatives are well above those for new road projects without active transport provision, not uncommonly by an order of magnitude. The reason is obvious: there is a huge backlog of projects that have great benefits, but have not been undertaken because no rational system for consideration of such projects exists.

TMR's *Cycling on State Controlled Roads* policy (now the *Cycling Infrastructure Policy*) has been a significant help in recent years, and your proposal has the potential to complement it in ensuring cycling is treated as an integral part of the transport mix rather than being relegated to an afterthought. However, this policy only mediates when a road project is implemented, thus preventing progress toward rational planning of transport infrastructure.

Embedding a stronger road safety culture by adopting a "strict liability" compensation system

Queensland's common law fault-based compulsory third party (CTP) scheme for motor vehicle crash insurance severely disadvantages cyclists and pedestrians, who as vulnerable road users are highly likely to suffer serious injury or death when involved in crashes with motor vehicles.

This system places the onus on motor vehicle crash victims to prove liability of the person who caused the crash, meaning the injured party must establish negligence against the driver.

With its emphasis on cost containment the current system can be seen to unduly favour motorists and disadvantage cyclists. This system became even more biased against vulnerable road users with the introduction of Queensland's *Civil Liability Act 2003*, which modified and often reduced the amount of compensation people are entitled to recover for their injuries.

The onus shouldn't lie with the vulnerable to prove the other party caused the crash. In the worst case scenario the present fault-based system can mean an innocent victim will receive no compensation from a culpable driver, and the victim's family will be burdened with rehabilitation costs and/or a loss of earnings.

In contrast, under strict liability the burden of proof is reversed. Vulnerable victims, not motor vehicle drivers, are assumed innocent with regard to causing their injuries.

Under this system, for example, a motor vehicle driver would be strictly liable in a crash with a cyclist. The driver of the more dangerous vehicle would need to show that they were not negligent. There are different ways to deal with a situation where the more vulnerable party contributed to the accident. For example, in Denmark, property damage compensation can be reduced, but not injury compensation. In the Netherlands, if the vulnerable road user is a child then the liability remains with the more dangerous vehicle.

The result of this scheme is that everyone must travel in a way that maximises the care and safety of the most vulnerable travellers. Motor vehicle drivers must take extra care in places where there are vulnerable road users. Embedding this structure of liability acknowledges that motor vehicle drivers have a special onus of responsibility towards more vulnerable road users.

One of the arguments commonly raised against this proposal is that cyclists will be more likely to adopt risky behaviour, in the knowledge that they will not be held responsible for the crash. This is a furphy, as it is extremely unlikely and defies logic that cyclists would risk their health/life, commonly rated by people via surveys as their most precious commodity, just because they or their family had improved access to compensation.

Review of the Queensland Road Rules

The CBD BUG views a considerable number of the current Queensland Road Rules as cyclist-hostile. Cyclists are given a status lower than that of other legitimate road users, either because of the actively discriminatory nature of certain provisions, or as cyclists are omitted from some provisions;

There is a wealth of evidence from numerous reputable surveys clearly indicating the number one reason people will not take up cycling is their concern about the danger caused by motor vehicles. The CBD BUG sees the amending of the road rules as essential so the risks to cyclists from motor vehicles, both real and perceived, are minimised.

Cyclists are particularly exposed to serious injury and death caused by drivers' lack of care and attention. The current road rules must be amended to improve safety for cyclists by placing the onus on motor vehicle drivers to maintain appropriate driving behaviour and operate their vehicle safely in the proximity of vulnerable road users. All road users have a responsibility to act safely while using the road. However, as the operators of potentially lethal machines the primary responsibility for road safety must lie with motor vehicle drivers.

Such amendments would undermine the current "might is right" approach adopted by a still unacceptably large proportion of car drivers. Importantly, cyclists and other vulnerable road users would be encouraged by the inherent message that motorists must take every care when driving.

There are also a range of road rules specific to cyclists that should be introduced in Queensland as they have worked effectively for many years in overseas jurisdictions to make cycling more viable. A prime example is the rolling stop/give way allowed for cyclists in the state of Idaho in the USA.

Reduce Queensland's default urban speed limit to 30km/h

Reducing motor vehicle speeds in the urban back streets is an essential component of returning local streets to the formerly human friendly state enjoyed by residents prior to the urban landscape's dominance by private motor vehicles.

Despite the fact that Australian Standard AS 1742.4 (Manual of Uniform traffic Control Devices, Part 4: Speed Controls) allows for low speeds especially in urban areas, it remains that Australian roads and streets still have amongst the highest posted speeds in the developed world.

This situation has persisted regardless of the experience of other countries that reducing motor vehicle speeds through lowering speed limits reduced the occurrence and severity of crashes. Research studies in Australia indicate that reducing urban speed limits adds only marginally to individual travel times while making large benefits to society as a whole. Other secondary benefits from this approach include reduced fuel and vehicle operating costs and significant reductions in noise and vehicle emissions.

The Brisbane City Council under Lord Mayor Campbell Newman recognised the importance of creating safer roads for vulnerable road users when it reduced the speed limit across most of the Brisbane CBD to 40 km/h in April 2009, an approach subsequently extended into West End.

Local streets are where children play, social contacts are made, students walk to school, pedestrians go to and from public transport facilities, teenagers ride bicycles and drivers and motorcycle riders access properties. They are unsuited by design or surrounding land use to function as through traffic routes or for travel at high speed.

Specific high priority major cycling infrastructure projects

Following are some specific major cycling projects the CBD BUG has identified as high priorities for delivery by the Queensland Government to increase cycling levels.

North

- Northern Veloway linking the Brisbane CBD with Chermside and Bald Hills
- Cycle corridor linking the Brisbane CBD to the Brisbane Airport
- Cycle corridor linking the Brisbane CBD to Ferny Grove
- Off-road continuous bikeway between the Gateway Bridge and Schultz canal
- Off-road continuous bikeway linking Gateway Motorway from Nudgee to the Bruce Highway

South

- Completion of bikeway linking Brisbane to the Gold Coast along the Pacific Motorway
- Cycle corridor linking Upper Mt Gravatt to Capalaba
- Cycle corridor linking Upper Mt Gravatt to Ipswich Motorway at Rocklea

East

- Green bridge between Bulimba / Hawthorne and Teneriffe / New Farm
- Cycle corridor as part of the Port of Brisbane motorway upgrade
- Cycle corridor along Old Cleveland Rd linking Stones Corner to Capalaba

West

- Overpass for cyclists at Moggill Rd for cyclist using the Western/Centenary Bikeway
- On-road cycling facilities along Moggill Rd (particularly west of the Western/Centenary Motorway)
- Far western "Green Bridge", potentially linking Riverhills and Bellbowrie
- Improved cycling corridor linking Toowong and the University of Queensland
- Inner western "Green Bridge" linking Toowong and West End

Reduce the number of cyclists injured and target a fatality free year for cyclists in Queensland.

There is a pressing need for additional State Government education of the current and future road users in terms of their responsibility to safely use our increasingly crowded roads and paths.

In particular the CBD BUG would like to see the following measures implemented.

- The 'give cyclists a metre' rule advocated by the Amy Gillett Foundation (see Mark Textor, SMH, Sat Sep 3, 2011)
- Education in bicycle-motor vehicle interaction prior to awarding a learner driver permit, that is, in the multiple-choice test undertaken by would-be learner drivers.
- Allow learner drivers the option of logging 20 hours of cycling as the equivalent of 30 hours driving as part of the requirement for obtaining their drivers licence.
- An ongoing "share the road" campaign to raise motorist awareness of the presence of cyclists and the need to drive safely when in the proximity of cyclists.
- Best practice safe cycling education for cyclists and other road/path users.
- In Queensland any existing holder of an open drivers, who may not have looked at the road rules in decades and was probably licensed before the current more rigorous system was implemented, can "instruct" a learner driver. Sweden recently introduced a requirement that to instruct a learner driver, a driver must first undertake a refresher course. Introducing this refresher requirement will improve the driving of both the lay instructor and the learner driver.

Maintain the merged Department of Transport and Main Roads

Prior to the two separate departments being merged into one agency, there was a major gap between the cycling policy and strategy developed by the Department of Transport and on-the-ground implementation by the Department of Main Roads in terms of appropriately incorporating cycling infrastructure into road projects.

Following the merging of the two departments there has been an embedding of cycling policy into all aspects of the new single agency, leading to more integrated approach so that cycling has been moved closer to the front of thinking during the planning and construction stages of individual projects.

Reverting to the former separated structure is highly likely to reintroduce the silo mentality and therefore, is strongly opposed.

Again, thank you for meeting with us the other week

Should you wish to discuss these matters directly, please do not hesitate to call me directly on 0423 974 825.

Yours faithfully

A handwritten signature in cursive script that reads "Paul French".

Paul French
Co-convenor
Brisbane CBD BUG
7 October 2011